

**VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE MINUTES**

Friday, January 26, 2007

Department of Health Professions

Richmond, VA

CALL TO ORDER: The meeting of the Committee convened at 8:53 a.m.

MEMBERS PRESENT: Stephen Heretick, JD, Chair
Gen. Clara Adams-Ender, RN, MSN
Ann Burks, JD
Malcolm Cothran, MD
Robert Mosby, MD

MEMBERS ABSENT: Suzanne Everhart, DO
Brent Lambert, MD

STAFF PRESENT: William L. Harp, MD, Executive Director
Barbara Matusiak, MD, Medical Review Coordinator
Jennifer Deschenes, Deputy Director, Discipline
Kathleen Nosbisch, Deputy Executive Director, Practitioner
Information
Elaine Yeatts, DHP Policy Analyst
Amy Marschean, Assistant Attorney General
Emily Wingfield, Chief Deputy Director
Colanthia Morton Opher, Recording Secretary

OTHERS PRESENT: Jeff Buthe, MSV

Let the record show that Mr. Heretick dutifully read the Emergency Evacuation procedures.

ROLL CALL

APPROVAL OF MINUTES OF SEPTEMBER 22, 2006

Dr. Cothran moved to approve the minutes of September 22, 2006 with an amendment to page 4. The motion was seconded and carried.

ADOPTION OF AGENDA

Dr. Cothran moved to adopt the agenda as presented. The motion was seconded and carried.

PUBLIC COMMENT

There was no public comment.

Ms. Wingfield introduced Ms. Marschean, AAG as new Board counsel. Ms. Wingfield stated that Ms. Marschean brings much experience with a background from Division of Legislative Services and the City of Alexandria and should serve the Board well.

Mr. Heretick welcomed Ms. Marschean on behalf of the Board.

NEW BUSINESS

Regulatory Actions

Status of Regulatory Actions

Ms. Yeatts provided a current chart of regulatory actions for the Board of Medicine and discussed each briefly. Ms. Yeatts advised that a Petition for Rulemaking from the Virginia Chiropractic Association to amend rules to require a bachelor's degree for entry in a chiropractic school has generated a lot of comment which will be provided for discussion at the Full Board meeting February 22, 2007. Ms. Yeatts also pointed out that public hearings on all of the proposed and/or fast-track regulations will be heard on the same date.

2007 Legislation as of January 16, 2007

Ms. Yeatts provided an updated (as of 1/27/07) report on the current status of legislation. Ms. Yeatts walked the Committee through each of the bills that were of interest and pointed out those bills with substantial changes from the original proposed language.

Report of the Ad Hoc on Opioids Committee

Dr. Harp gave a history of this issue and reviewed the recommendation of the Ad Hoc Committee. Dr. Harp advised that the general outline identified three clinical entities, acute, chronic cancer, and chronic non-malignant pain. It also included a requirement for reports from the Prescription Monitoring Program along with some detail in regards to the contents of medical records. Dr. Cothran, Chair of the Ad Hoc on Opioids Committee remarked that the provided draft document accurately reflected the work of the Subcommittee, but noted there are still some concerns waiting to be addressed at the next Ad Hoc meeting (i.e. initial full medical history and physical exam). Ms. Yeatts suggested that concrete parameters be set to address issues of chronic and acute pain and that the language be objective and enforceable. The Committee agreed to refer the draft document back to the Ad Hoc Committee for further review and to address the remaining issues. Ms. Yeatts advised that the NOIRA was published April 2006 but because of the complexity and interest, she will submit a request for an extension until June 2007.

Physicians Signing Death Certificates – Letter to Delegate Morgan

Dr. Harp reminded the Committee of Delegate Morgan's request for the Board of Medicine to address the timely signing of death certificates. Dr. Harp referred to the minutes of the Ad Hoc Committee on Death Certificates held July 16 and September 24, 2004 addressing this issue

and advised that at the request of the Board a letter was sent to Delegate Morgan. Dr. Harp advised that he has since spoken to the Delegate and was given his authorization to express his interest and concerns to the Department of Health in this matter. Dr. Harp reported that he was informed by Calvin Reynolds with the Department of Health's Vital Records Division, that the educational module is nearing completion.

North Carolina Position Statement on Office-Based Procedures

Dr. Harp acknowledged receipt of a letter from a physician referring to North Carolina's position statement on office-based procedures. After discussion, Dr. Mosby moved to offer this issue for consideration to the Full Board without recommendation as to action to see if there is any interest in pursuing this matter. The motion was seconded and carried. It was also suggested that board staff contact North Carolina to determine the usefulness of this document and that the surgical members of the Board review the North Carolina document and make a recommendation up or down. Ms. Yeatts pointed out to the Committee that the derivation of such a document would be no small undertaking.

Announcements

Ms. Deschenes stated that PHCOs are scheduled to begin at the conclusion of the Legislative meeting.

Ms. Opher announced that the Credentials Committee would convene at 1:00 p.m. for hearings.

Dr. Harp announced that Roderick Mathews, a retired attorney has been appointed to replace Chris Bridge.

Adjournment

With no further business to conduct, the meeting adjourned at 10:23 a.m.

Stephen E. Heretick, J.D.
Chair

William L. Harp, M.D.
Executive Director

Colanthia M. Opher
Recording Secretary